

## WANTS TO RESERVE RIGHT OF APPEAL

Wickersham Approves Generally of Tobacco Dissolution Plan.

## SUGGESTS NUMBER OF MODIFICATIONS

Anxious to Bring About Reorganization Without Resort to Receivership—Trust Counsel Oppose Amendment, Declaring It Would Upset Disintegration Scheme.

New York, October 31.—The end was reached late to-day in the arguments which have been made for the past two days before the United States Circuit Court for and against the plan of dissolution filed by the American Tobacco Company. Judge Lacombe, J. J. Cox and Ward took the case for advisement. A decree is expected within a few days, determining whether the much-discussed plan is in accordance with the Supreme Court of the United States, which held the American Tobacco Company to be a legal combination in restraint of trade and ordered the trust be dissolved and ordered the trust be disintegrated so as to restore competition in the tobacco industry.

Interest in the arguments to-day centered chiefly in the appearance of Attorney-General Wickersham. He stated that he approved generally of the plan, but at the same time made recommendations which met vigorous protest on the part of stock and bondholders of the American Tobacco Company. Mr. Wickersham insisted that the court, by injunction, prevent the company from five years, or more, from the government the right to appeal to the court at any time it should appear that the dissolution of the trust had not resulted in conditions in harmony with the antitrust law.

### Protest by Counsel.

Joseph H. Choate, counsel for the stock and bondholders of the corporation, who are to surrender their bonds for stock in the new reorganized companies, protested against the amendment. He was supported by the Lewis Cass Ledyard, of counsel for the American Tobacco Company. Both of the stock and bondholders of the corporation of such a clause in the reorganization decree would upset the disintegration plan.

The Attorney-General made reply to these protests. Mr. Wickersham was also criticized by counsel for the American Tobacco Company, who suggested that the court revise the dissolution scheme in so far as it relates to the United Cigar Stores Company. Characterizing the alliance of the stores company and the trust as one of the chief evils of the tobacco industry, the independent tobacco trade and the trust's aim to harass the retail trade of the country, the Attorney-General urged that the stores company be segregated entirely from the tobacco trust alliance through the sale of the stock controlled by trust holders to outside investors.

The Attorney-General declared that he had sought earnestly to bring about a plan of reorganization without resort to receivership, which would be a disastrous and in outlining the government's attitude in trust prosecutions, he quoted from President Taft's messages to Congress on the subject, expressing desire to conserve the legitimate interests of property.

### Guiding Principle.

"The guiding principle which the government has pursued in connection with this supposed disintegration," said Mr. Wickersham, "has been whether or not the division is made in such a way as to prevent the continuance of the monopoly now possessed and exercised, and yet to restrain the activities of the various corporations among which the business is to be distributed, within the bounds of legitimate and useful business."

"Of course there is a difference between a case where a combination is brought before the court for its determination as to whether or not it constitutes an unlawful combination and a case where it stands before the bar of the court, condemned as such, and your honors are examining a proposed disintegration for the purpose of bringing it into compliance with the law. In the latter case any reasonable doubt should properly be resolved in favor of the plaintiffs, and the court should be very clear that the proposed division will re-establish that lawful condition which is the object of the decree to attack."

Concerning the division of tobacco brands under the proposed reorganization, the Attorney-General found no ground for objection made by the independent manufacturers. Concerning that point he said:

### Will File Report.

"The commissioners of the Department of Commerce and Labor placed my disposal one of their experts—in fact, the principal expert in this tobacco business—who had himself prepared very largely, if not entirely, the report on the tobacco industry which was recently published by that bureau. I am going to let that report with the court. It strongly confirms the impression that I had as to the fairness of distribution of industries in the plan, and it effectually answers the suggestions made by the so-called independents and dealers."

"Upon this whole case," the Attorney-General concluded, "giving it the most careful consideration of which I am capable and the deep sense of the tremendous and unprecedented responsibility devolving upon the chief law officer of my government and upon this court, I am of the opinion that the proposed division and modification suggested for answer, your honors would be justified in approving this plan, should you be so advised."

## DEFENDS ANTITRUST LAW WITH LITTON

Defends Antitrust Law in Answer to Congressman's Attack.

## DOES NOT WANT TO INJURE BUSINESS

Stifling of Competition and Control of Prices, He Declares, Must Stop—New York Representative Makes Plea for Repeal of Sherman Act.

Pittsburg, Pa., October 31.—President Taft defended the Sherman antitrust law to-night in answer to an address made by Congressman Martin W. Littleton, of New York, who earlier in the evening had attacked provisions of the law at a banquet of the Pittsburg Chamber of Commerce.

The Sherman law has been on the statute books for twenty years, and has been construed and construed and construed, and finally by the Supreme Court, said President Taft, it has been construed last spring, in my judgment, as it definitely means that any combination in restraint of trade, with the purpose of controlling prices and stifling competition, is a violation of the law. Men know whether they intend to stifle competition and control prices, and all that is necessary in a court of law is to prove the combination and the intent. That is all that is needed for the enforcement of any criminal statute.

It is not pleasant to be engaged in what may seem to be an unprofitable business, but business men thought this law could not be enforced. Now the law can and is being enforced, and because of this we hear to-night that it is to be repealed.

### One of Two Courses.

"I would not go off before I would inquire business. But what do I hear my dear friend Littleton to offer? One of two courses is open. Either we will have individualism or we will have combinations in restraint of trade, going to the point where the people will demand that the power of men engaged in such corporations be transferred to the government. And then we will have State socialism."

"Now we can disintegrate unlawful combinations and put them under injunction. If they open they must compete. I know I am speaking against the trend of many of you, but I can't help it. The law is on the statute books and must be enforced, and this stifling of competition and this control of prices must cease. I didn't want to get into this discussion, but I want you business men to face this problem."

There was frequent applause during the President's remarks.

Representative Littleton, who made a plea for the repeal of the Sherman antitrust act, is a member of the special committee on the investigation of the United States Steel Corporation. He quoted both former President Roosevelt and Mr. Taft as having at one time or another been willing to have the Sherman law amended. He declared that there is before the nation the most difficult and far-reaching problem, affecting its internal peace and progress.

### Pleas for New Policy.

"It seems clear to me," said Mr. Littleton, "that the Sherman law cannot possibly be made effective in the exterminating of the real evil, without carrying with it too large a sacrifice of the whole industrial fabric, and that it would be wisely repealed and a new policy or scheme of legislation inaugurated."

As the solution of the problem, Mr. Littleton suggested that every corporation before it entered into interstate business be required to submit its incorporation, its status, its true condition, to a board created for that purpose, and to obtain a license to do interstate business. The charter, he said, should be formal, definite and should recite the terms of the grant. It should be made subject to forfeiture for violation of its provisions. With such machinery to start with, Mr. Littleton said "specific laws for the guidance and control of interstate concerns could be passed by Congress."

President Taft's second swing around the circle as originally planned came to an end here in the most enthusiastic and by far the noisiest demonstration he has experienced in all the 12,000 miles he has traveled.

Pittsburg celebrated to-day the centennial of steam navigation on Western rivers, and Mr. Taft was the star attraction in the celebration. It is estimated there were close to 150,000 persons at the wharf on the Monongahela River when the President was taken aboard the steamboat Virginia to view the "fleet" anchored there. The President at midnight left for Morgantown, W. Va.

## NINE TALESMEN ACCEPTED

### Burst of Speed in McNamara Trial Encourages Court and Counsel.

Los Angeles, Cal., October 31.—Three more talesmen were needed to-night to fill the jury box in the James B. McNamara murder trial before opposing counsel began exercising their peremptory challenges. Five of the nine accepted so far as challenges for cause.

It is estimated that the trial will be a half-session of court was held to-day because of a Los Angeles jury election.

## FARMERS URGED TO HOLD COTTON

Then Reduce Next Season's Acreage at Least 25 Per Cent

## PLAN PROPOSED BY GOVERNORS

Declare This Will Restore South's Great Money Staple to Normal Level and Retrieve Losses Sustained by Reason of Present Low Prices.

New Orleans, October 31.—The farmers of the South must withhold from the market every remaining bale of the present season's crop of cotton, and follow this with a concerted and binding agreement to reduce next season's cotton acreage at least 25 per cent, if they hope to restore the South's great money staple to a normal price level and retrieve the losses sustained by reason of the present low prices.

This is the plan which the Conference of Southern Governors adopted at its concluding session to-day to secure immediate relief from the depression in the price of the staple.

As a means of securing permanent relief from such conditions and to guarantee the cotton farmer in the future against the necessity of glutting the market with his supplies in the immediate neighborhood of the adopted resolutions favoring the establishment in every cotton growing State of State-controlled warehouses and the collection and periodical publication of statistics bearing upon the world's demand for a consumption of American cotton.

The proposal of foreign banking interests to finance a holding movement covering 2,000,000 bales of the present crop was referred to a special committee for future action.

### Recommendations of the Conference.

"We earnestly recommend to the planters of the Southern States to follow the example of Louisiana and so diversify their crops as to produce everything for consumption on the farm and let cotton be the surplus crop, even if the quantity raised shall be 25 per cent, less than the present crop, so that they may get just as much in return for much less labor than this year's crop will yield at present prices, will soon free themselves from debt and be in condition without any financial aid, to sell their crops gradually, as the demand shall exist in the United States and a year in sixty or ninety days, as they have been accustomed to do."

"We call upon our Representatives in Congress to have the present crop reporting system so amended to report the periodical publication of reports of statistics of cotton consumption, manufacturing and trade information gathered from all cotton consuming countries, and we recommend also, for ourselves agree, that the Commissioners of Agriculture of the cotton States gather and publish like information, and we suggest to the Legislatures of the cotton States adequate appropriation to this end and uniform legislation enabling the Agricultural Commissioners to act in concert and to constitute a bureau of cotton manufacturing, cotton trade and cotton consuming information, to the end that with the estimates of production which are now furnished by the government, there may also be estimates of demand, and thus put the planter in position to fix a fair price for his product."

### Prosecution of Bears.

"The members of the conference have been reliably informed that bulls on the cotton exchanges have been indicted under the Sherman act for conspiring to buy cotton and advance the price, and that the Federal Government is prosecuting them. We suggest to the Legislatures of the cotton States adequate appropriation to this end and uniform legislation enabling the Agricultural Commissioners to act in concert and to constitute a bureau of cotton manufacturing, cotton trade and cotton consuming information, to the end that with the estimates of production which are now furnished by the government, there may also be estimates of demand, and thus put the planter in position to fix a fair price for his product."

### Withdraw From Market.

"In view of the apparent demand for cotton during the next fifteen months, we recommend that the withdrawal of cotton from the market be effected by a system of gradual marketing. We urge bankers and business men to co-operate with farmers in this undertaking."

"We report to the cotton farmers that tentative and attractive propositions have been made by responsible interests for purchasing some 2,000,000 bales of the present crop. This negotiation is referred for development into practical form to a committee."

"Reduction of acreage in 1912 is urged as a necessary part of any plan of holding and financing the present crop. We recommend, and for our part we insist, that the Governor of each cotton State proceed at once to appoint a representative in each county, who in turn will appoint a representative in each school district or voting precinct to secure from every farmer a binding written pledge to reduce his cotton acreage in 1912 25 per cent, below acreage in 1911."

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## CONCESSIONS FAIL TO SATISFY ARMY

Number of Demands Made on Throne Not Yet Granted.

## MANCHU PRINCES THREATEN PEKING

Indignant at Deprivation of All Control, and Become Another Source of Difficulty in Execution of Reform Program. Dissatisfaction Among Troops Spreads.

Washington, October 31.—Yuan Shi Kai, the dominating force in China, will return to Peking in answer to the imperial summons only when the prince regent voluntarily relinquishes the power he now enjoys of condemning and executing without trial. That is the prevalent belief among Washington officials, some of whom express confidence that the throne will yield to the demands of the national assembly and relinquish this power. Otherwise, it might be very unsafe for Yuan Shi Kai or any other Chinese notable to place themselves within the power of the throne.

The Chinese army is far from satisfied with the extent of the concessions made by the throne yesterday. The dissatisfaction has spread among the troops, so that in addition to those in the immediate neighborhood of Peking who forced the crisis by backing up the demands of the national assembly, large bodies of soldiers in other provinces have given their adherence to the twelve demands of the troops at Luan Chow. These troops number no less than 15,000 men in Cheng Tung Province and 4,000 troops in Paoing.

### Demands Not Granted.

According to the State Department's advice, a number of demands on the throne, made in the ultimatum of the national assembly have not yet been granted. Among them are the following:

An immediate Parliament; that constitutional amendments originate in Parliament; that the army, though subject to the control of the Emperor, be not used in domestic troubles except under regulations adopted by Parliament; that the Emperor appoint ministers of state; that the Parliament approve the budget and all treaties affecting the general interest of the country; that the qualifications of electors for members of Parliament be defined, and that the army is to be consulted in regard to these matters.

Another source of difficulty, however, in the execution of the reform program has been found in the ominous attitude of the great Manchu princes. They are indignant at their deprivation of all control of the government, and now are threatening the peace of Peking.

### Fighting Continues.

Peking, October 31.—Fighting between the rebel forces and the imperialists continues. It is believed that the rebels are making a determined resistance. Late advice received here indicates that Hankow City was not retaken by the imperialists, although General Yin Tchang captured the railway station immediately to the north. Contrary to promises, however, the railway service has not been resumed, nor has telegraph communication been re-established.

### Looks Haggard and Pale.

The minister, as he stood in the dock this morning, looked somewhat haggard and pale. Despite the fact that he wore the same ministerial garb in which he appeared before in court he was scarcely recognized by those in the courtroom. His clothes hung loosely about him, as if he had lost weight. But the raven black hair was combed in the same neat way which assisted in giving Mr. Richeson the distinguished air everywhere remarked prior to his arrest.

The indictment, which is said to be almost unique in the annals of Massachusetts homicides in which poisoning has figured, is of the so-called "black and white" type, the five counts being so worded as to permit the introduction of evidence by the government as to any of several methods by which the dead girl.

As worded, the indictment indicates that the government as yet is without knowledge of what the same ministerial garb in which he appeared before in court he was scarcely recognized by those in the courtroom.

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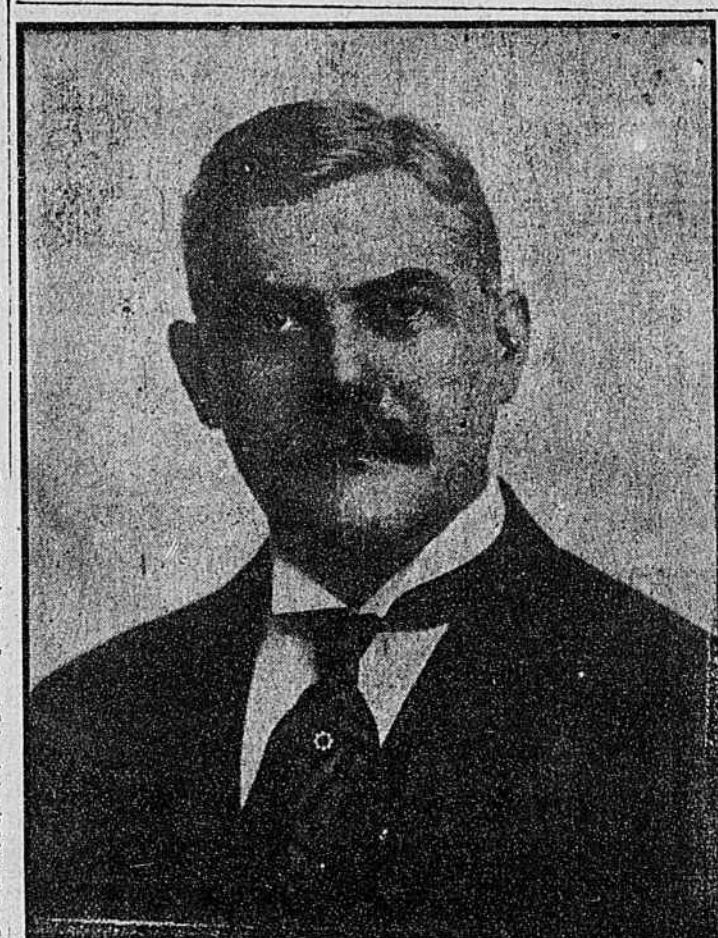
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## STATE PRISON BOARD REMOVES DR. CARRINGTON FROM OFFICE



DR. CHARLES V. CARRINGTON.

## TRUE BILL FOUND AGAINST RICHESON

Indicted on Five Counts, Charging Murder in First Degree.

## GRAND JURY IS UNANIMOUS

Date of Accused Minister's Trial Tentatively Set for Early in January.

Boston, October 31.—Rev. Clarence V. T. Richeson, pastor of Immanuel Baptist Church, Cambridge, was indicted on five counts, charging murder in the first degree, by the Suffolk county grand jury late this afternoon for the alleged poisoning on October 14 of his former sweetheart, Miss Avis Linnell, of Hyannis. The grand jury reported its finding to Judge George A. Sanderson in the Superior Criminal Court after hearing more than thirty witnesses during four days' consideration of the case. It is understood that the jurors were unanimous in ordering the indictment.

By the returning of this true bill the necessity of holding a hearing in the Municipal court is obviated. In connection with this latter proceeding, Rev. Mr. Richeson appeared in the lower court to-day, but the case was continued formally without action, and the clergyman taken back to jail immediately. By a coincidence to-day that he wore the same ministerial garb in which he appeared before in court he was scarcely recognized by those in the courtroom.

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## DIARY DESCRIBES DEATH'S APPROACH

Penciled Record of J. J. D. Miller's Seven-Dy Imprisonment in Mine.

## CAUGHT BY MASS OF ROCK

Dying, Writes Direction to Notify His Wife in Harrisonburg, Va.

Bridgeport, Cal., October 31.—An old assay certificate, found on the body of J. J. D. Miller, who died in the shaft of his mining claim, twelve miles north of here, told two stories when it was deciphered in the coroner's office here to-day. One side told of gold in Miller's shaft. The other bore the penciled record of the man's seven-day imprisonment, ended by death at noon Friday, October 13.

The body was found last Saturday, with the left leg pinned against the side of the fifteen-foot shaft by a mass of rock. Miller stood upright with his head thrown back. The shaft is slightly inclined, and he must have seen the sun, which stood on the meridian, as he wrote the last line of his diary:

"Friday, noon, the 13th. No hope."

The certificate was rolled and had been replaced in his pocketbook. The daily record follows:

"October 6—Frank Yiparraguirre, Sweetwater: If help does not come, send this message to M. C. Miller, wife, Harrisonburg, Va., and wire what to do with the body.—J. J. D. Miller."

"This occurred Friday morning, October 6. It is now Saturday noon. No help yet. Why did this come?"

"Sunday night.—It is cold and long. God help me. I forgive mother."

"Monday.—It is noon. Why did Dick forget? A drink of cold water would taste good. Am getting weak."

"Tuesday night.—The end is near. Don't see how Dick can forget me."

"Wednesday night.—Guess to-night will be last. No hope; the end near."

"Thursday's record is illegible."

"Friday noon.—The 13th. No hope."

The "Dick" referred to is Richard Barnes, a teamster on the Yiparraguirre claim, where the two men had been employed together. The body was found by Barnes.

Miller came to California a year ago from Virginia.

An unsuccessful attempt was made by the authorities to communicate with his widow in Harrisonburg to-day.

## WILL RECALL HINES

Senate Committee in Stephenson Case Hearing End of Hearing.

Milwaukee, Wis., October 31.—Just as it was about to conclude its public hearings, the United States Senate committee, which is investigating charges of bribery in the election of Senator Isaac Stephenson, to-day decided to recall Edward Hines, the lumberman, to permit the committee to hear testimony from him.

It was reported this evening that Hines had anything to do with the election of Senator Stephenson, is to appear again to-morrow.

Hustling declared on the stand that Wirt H. Cook of Duluth, had told of a dispute between Hines and Robert J. Shields, in which Hines was represented as threatening "to send Shields to the pen" because of the latter's demand for money for "putting over" Stephenson's election, and in which Shields threatened to do the same thing for Hines.

Littlefield, on behalf of Senator Stephenson, said Mr. Hines would deny the whole story.

## Ousting of Surgeon Is Aftermath of Dr. Mann's Election.

## WILL NOT ACCEPT HIS DISMISSAL

Denial by Carrington of Right of Board to Remove Him Without Allowing Him to Defend Himself—Dr. Oppenheimer Elected to Fill Vacancy.

Ill feeling between Dr. Charles V. Carrington and the members of the board of directors of the State Penitentiary reached a climax yesterday, when, at a meeting of the board, Dr. Carrington was summarily removed from the office of surgeon at the prison, effective to-day. Dr. W. T. Oppenheimer was elected to fill the unexpected term, which extends to December 31 of this year. On January 1 Dr. Herbert Mann will assume the duties and responsibilities of the office.

Denial of the authority of the board to remove him without first preferring charges and giving him an opportunity to be heard in his own defense was later made by Dr. Carrington, who says he holds himself ready to continue to perform the duties of surgeon until the expiration of the term for which he was elected.

### Denial of Board's Authority.

It is not known if this will cause any sort of clash between Dr. Carrington and Dr. Oppenheimer. The latter is requested by the board to appear at the penitentiary at 7 o'clock this morning to perform the daily sick round, or else send a representative for this duty. It was understood last night that Dr. Oppenheimer will accept the position, although it came as a surprise to him. The presumption is that Dr. Carrington will offer his services, so as to make a claim for salary or as a basis for government pensioning, which will bring to light the reasons for his displacement on September 30 and for his removal from office yesterday.

### Action Was Expected.

This action on the part of the directors was predicted in The Times-Dispatch of Tuesday, 7, after it had been expected by those familiar with the situation ever since that time. It was known that members of the board resented various publications in the form of interviews with Dr. Carrington or statements signed by him, sharply criticizing the directors. Dr. Carrington, when elected Dr. Herbert Mann to succeed him, that conditions at the prison required such action. The surgeon regarded this as a serious reflection on his character or his efficiency, and insisted that his administration of affairs be thoroughly investigated.

### He Has Repeatedly Made Efforts to Secure an Investigation at the Board of the State Board of Charities and Correction.

The members of that body could not find authority to take up the matter without direction by the Governor. The matter was also sharply criticized by Dr. Carrington in connection with the election of his nephew, Dr. Mann, referred to the legal phase of the situation to the Attorney-General, who rendered a decision only a few days ago to the effect that the board had no power to make the sort of investigation demanded by Dr. Carrington.

### Wanted Particulars.

In a statement given to the public last evening the directors of the penitentiary advance as one of the reasons for the removal of Dr. Carrington that he has failed to make satisfactory response to a request for information directed to him on October 3. The board at that time desired to secure particulars regarding certain accusations made in the public print by the surgeon. In reply Dr. Carrington stated that he had reported cases of unusual character to the board, and that he had also reported treatment of convicts to the superintendent. As to the other information desired, he withheld it in anticipation of an investigation, either as asked by him, at the hands of the State Board of Charities and Correction, or else, as asked by the board, at the hands of the General Assembly.

It was stated last night that an examination of the records showed that Dr. Carrington had made no report of unjust treatment of convicts to the superintendent, and that in writing since 1902, at that time his charges, if further said, were investigated by the board of that day and found without foundation.

The vote of yesterday by which he was removed stood four to one, just as on the proposition to elect Dr. Mann. The dissenting voice was that of Major James B. Patton, correction, or else, as asked by the board, at the hands of the General Assembly.

### Resolution of Dismissal.

Following is the official notice of removal, served last evening on Dr. Carrington, together with copies of other papers referred to.

Richmond, Va., October 31, 1911.

Whereas on the 9th of October, 1911, the board of directors of the penitentiary addressed to Dr. C. V. Carrington the following:

"You are requested to advise the